



MEMO

**TO: MAYOR SUSAN NARVAIZ AND THE SAN MARCOS CITY COUNCIL
RICK MENCHACA, CITY MANAGER**

FROM: HOWARD E. WILLIAMS, CHIEF OF POLICE

DATE: MARCH 1, 2010

RE: 2009 USE OF FORCE REPORT

The public is understandably interested in how and when the police use force to enforce the law and maintain order. In the interest of public disclosure, each year with the racial profiling report I will present to the City Manager, to the Mayor, and to the City Council a report on the use of force by officers of the San Marcos Police Department. Unlike the racial profiling report, there is no statutory or regulatory requirement to present a report on the use of force. However, I believe that we best serve the public interest when this information is readily available.

The San Marcos Police Department Policies and Procedures Manual requires an officer to complete a Use of Force Report in the following situations:

1. during the application of force, when a firearm is discharged;
2. when a use of force technique results in, or is alleged to have resulted in, death or injury to any person;
3. when a less-lethal weapon is used against a person;
4. when a Department canine causes injury or death to any person, or is alleged to have caused injury or death; or
5. when use of force is required beyond the application of handcuffs.¹

In 2009, following 80,891 duty-related citizen contacts, officers completed a Use of Force Report on 238 separate incidents, which included 309 citizens and 401 officer involvements. It is important to note that any specific incident could involve one officer and one citizen, one officer and several citizens, several officers and one citizen, or several officers and several citizens. Some reports include different levels of force employed by different officers on different subjects.

Officers used or threatened to use force against citizens in 0.3 percent of contacts, or, on average, only once every 36.8 hours. Of the citizens against whom officers used force, 289 reported no injury, 20 reported minor injuries, and none reported a serious injury. Of the citizens reporting minor injuries, only 10 reported an injury that needed treatment at a hospital. Eight officers received minor injuries during the year.

¹ General Order 200.VIII.B.1-5



Total Use of Force Incidents

The most frequent use of force, completed and displayed, was in December, with 28 reports, followed by May, with 26 reports. February saw the fewest incidents, with only 9 reports. Exhibit 1 shows the number of use of force incidents by month for 2009.

Exhibit 1. Use of Force by Month

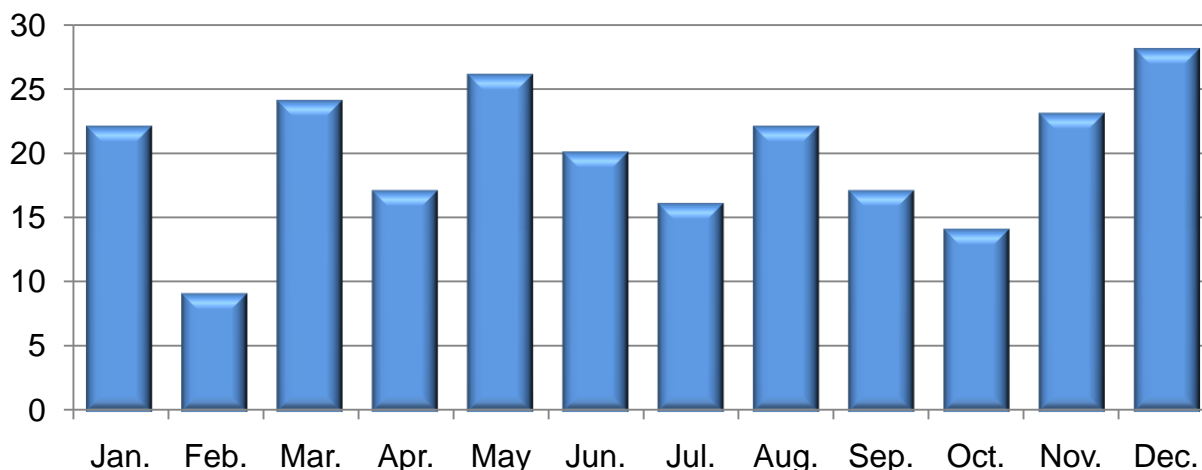


Exhibit 2 depicts the nature of resistance that officers faced when using force or threatening to use force. It is important to note that in any individual confrontation, a person may exhibit many levels of resistance, and, if more than one person is involved, different people may exhibit different levels of resistance. Consequently, the amount of force an officer uses may change through the course of an event. Officers did face one incident of deadly force. That one incident shows as 0% in Exhibit 2.

The levels of resistance are as follows:

- Psychological Intimidation – Nonverbal cues that indicate a subject's attitude, appearance, and physical readiness to resist.
- Verbal Resistance – Verbal responses that indicate a threat or an individual's unwillingness to comply.
- Passive Resistance – Physical actions that do not actively prevent an officer's attempt to control an individual.
- Defensive Resistance – Physical actions that actively attempt to prevent an officer's controlling an individual but are not an attempt to harm the officer.
- Active Aggression – Physical actions of assault or the use of weapons.
- Nature of Call – Executing a search warrant or approaching a suspect who is reportedly armed and aggressive.



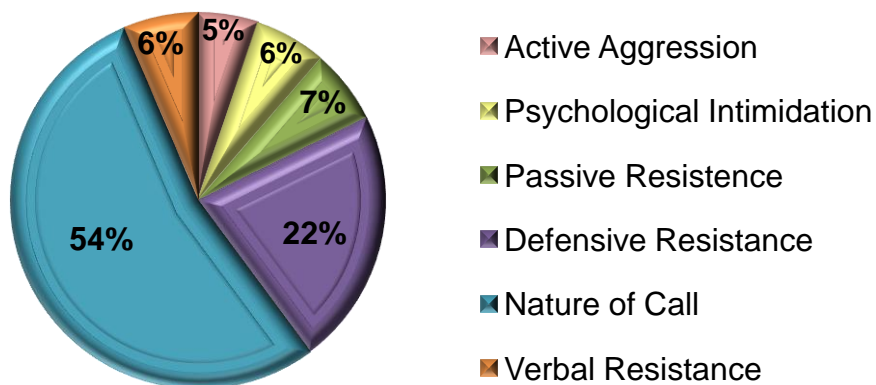
Exhibit 2. Resistance

Exhibit 3, Reason for Use of Force, depicts the reasons officers provided for using force in each of the 238 incidents. In 8 incidents, the officers did not report the reason. The majority of the use of force reports, 130 incidents, related to officers' using the force necessary to make arrests. The second highest total, 85 incidents, was for officers defending themselves against assaults or attacks. In 10 instances, officers were protecting a third party from the unlawful use of force of another. In three instances, officers used force to protect an individual from himself, commonly a suicidal subject or an emergency mental health patient.

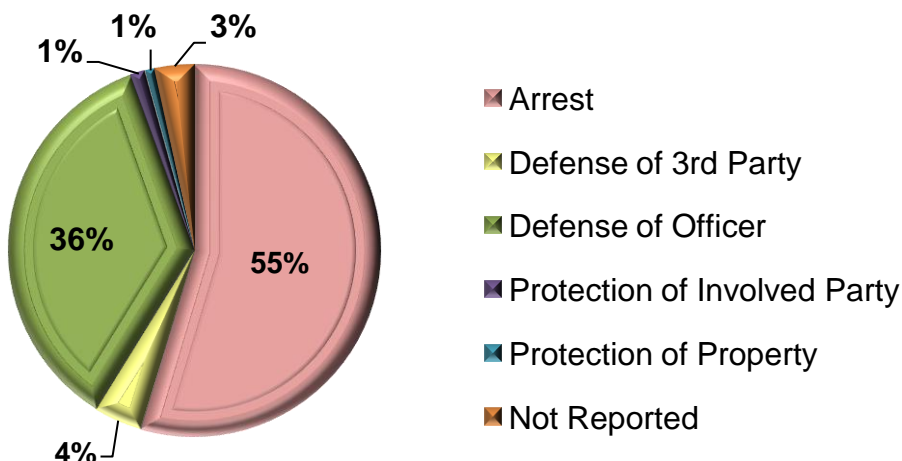
Exhibit 3. Reason for Use of Force

Exhibit 4 depicts the ratio of males and females who were subject to officers' use of force. Not surprisingly, officers used force against males far more often than females, 268 to 36, respectively. In five cases, the gender of the subject was not known or was not reported.

Exhibit 4. Use of Force by Gender

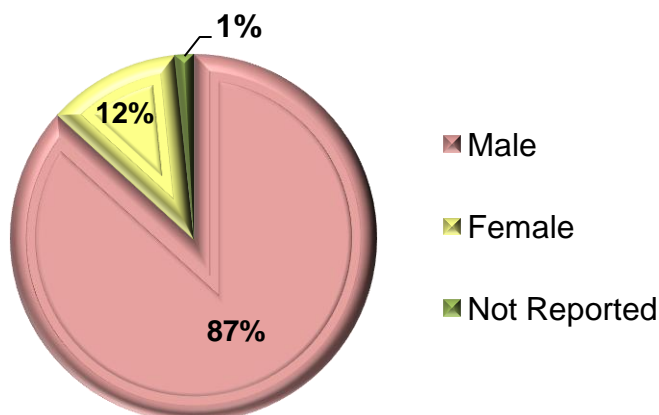
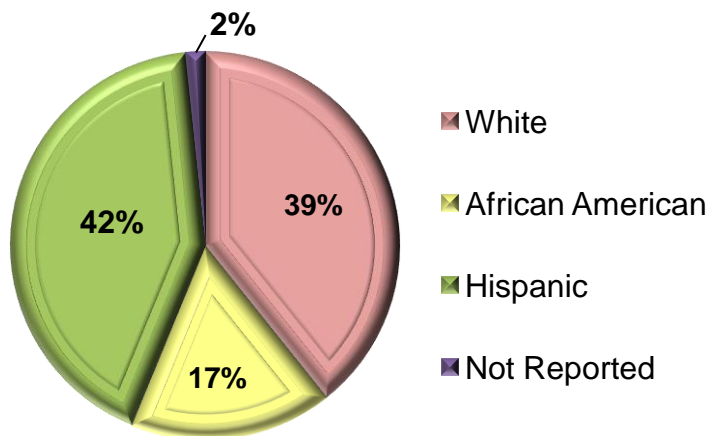


Exhibit 5 depicts the use of force as a percentage of race or ethnic group.

Exhibit 5. Use of Force by Race/Ethnicity



Completed Uses of Force

In 2009, officers reported 107 completed uses of force. In 65 incidents, the officers used empty hand techniques, such as grabbing a suspect, twisting an arm, or wrestling a subject to the ground. Officers used the TASER 36 times. In two cases each, officers used a wrap



restraint to secure a violently resisting subject, used OC spray to subdue a suspect, or used the PIT maneuver to terminate a pursuit. See Exhibit 6, Use of Force by Type.

Exhibit 6. Use of Force by Type

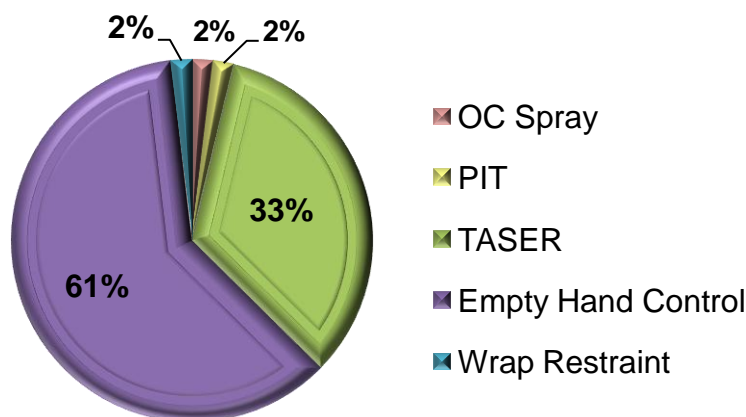


Exhibit 7, Force Used, compares the times officers employed bodily force or used a weapon against at least one individual for the past three years.

Exhibit 7. Use of Force by Year

Type of Force Used	2007	2008	2009
Firearm	1	0	0
TASER	30	31	36
Baton	1	1	0
OC Spray	2	0	2
PIT	2	0	2
Stop Stick	-	2	0
Empty Hands	54	48	65
Wrap Restraints	8	12	2
Total	98	94	107

Weapon Displayed Uses of Force

Any time an officer displays a weapon in an attempt to control any person, San Marcos Police Department policy requires the officer to complete a Use of Force Report. Exhibit 8, Weapon Displayed, depicts the times officers displayed, but did not use, a weapon. In 2009, officers reported displaying, but not using, a weapon 300 times. The majority of reports, 223, concern displaying a firearm. Often, when executing search warrants or when approaching a suspect who is reportedly armed, officers have a sidearm drawn. Even if the officer does not point the



weapon at anyone, each officer who draws a weapon must still complete the Use of Force Report. Consequently, officers file several reports of displaying a firearm.

Additionally, anytime an officer draws a TASER, but does not fire it, that officer must complete the Use of Force Report. In 2009, officers presented the TASER 72 times without firing it or using it on a suspect. Officers also displayed or threatened to use a police baton five times. See Exhibit 8.

Exhibit 8. Displayed Use of Force by Weapon

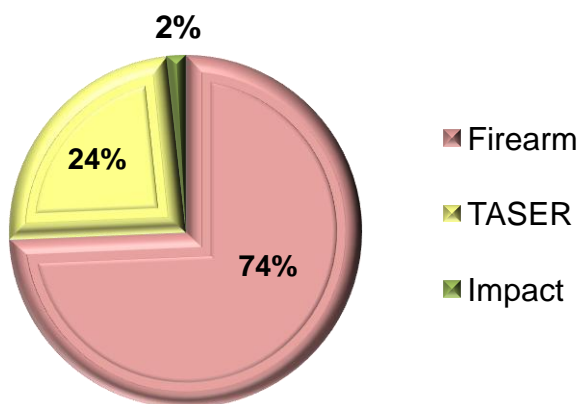


Exhibit 9, Displayed Use of Force by Year, compares the times officers displayed a weapon to at least one individual for the past three years.

Exhibit 9. Displayed Use of Force by Year

Type of Weapon Displayed	2007	2008	2009
Firearm	126	148	223
TASER	85	61	72
Baton	0	2	5
OC Spray	4	0	0
Total	215	211	300

